



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/595,050 | 06/14/2000 | Rand B. Nickerson | 067543.0166 | 7920 |

7590

03/06/2003

Baker Botts LLP
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

WINTERS, MAREISHA N

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,050

Applicant(s)

NICKERSON ET AL.

Examiner

Mareisha N. Winters

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 19-31, 54 and 55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 32-53 and 56-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 5, 7-9. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-18, 32-53, and 56-61 are pending for examination.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-18, 32-53, and 56-61, drawn to a system and method for reporting to a website owner page-specific subjective user reactions concerning pages of a website comprising a database containing user reactions and a reporting module to generate a report, classified in class 709, subclass 219.
 - II. Claims 19-31, 54 and 55, drawn to a report for communicating user reactions to pages of a website comprising a plurality of regions associated with a subjective rating and a line comprising a length reflecting a total number of subjective ratings, classified in class 345, subclass 704.
3. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05I). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention I does not require a report for communicating user reactions comprising a plurality of regions associated with a subjective rating and a line comprising a length reflecting a total number of subjective ratings. The subcombination has separate utility such as a report lack of a database for containing user reactions and a reporting module to generate a report

Art Unit: 2153

4. These inventions are distinct for the reasons given above, and the search required for each group is different and not co-extensive for examination purpose. For example, the searches for the two inventions would not be co-extensive because these groups would require different searches of the PTO's classification class and subclass as following:

- a. the Group I search (claims 1-18, 32-53, and 56-61) would require the use of search class 709, subclass 219 (which would not be required for Group II).
- b. the Group II search (claims 19-31, 54 and 55) would require the use of search class 345, subclass 704 (which would not be required for Group I).

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Mr. Christopher W. Kennerly (Reg. No. 40,675) on February 25, 2003 *a provisional election was made without traverse to prosecute the invention of Group I, claims 1-18, 32-53 and 56-61. Affirmation of this election must be made by applicant in replying to this Office action.* Claims 19-31, 54 and 55 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Information Disclosure Statement

8. The information disclosure statement (IDS) submitted is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

9. The disclosure is objected to because of the following informalities: on page 34, line 10, "Fig. 11" should be --Fig. 11A".

Appropriate correction is required.

Drawings

10. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: in Fig. 5, "76". A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-3, 9, 11, 15, 16, 18, 32-34, 40, 42, 46, 47, 49 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,260,064 to Kurzrok.

Kurzrok discloses a system and method for reporting to a website owner page-specific subjective user reactions concerning each of a plurality of particular web pages of a website (column 1, lines 7-11 and 32-35), as claimed in claims 1 and 32, comprising:

a database containing page-specific subjective user reaction information for each of the plurality of particular web pages of the website, the page-specific subjective user reaction information for a particular web page reflecting page-specific subjective user reactions to the particular web page as a whole received from users that have accessed the particular web page (column 1, lines 56-61); and

a reporting module coupled to the database and operable to generate one or more reports using the page-specific subjective user reaction information for communication to the website owner, each report reflecting page-specific subjective user reactions across the plurality of particular web pages of the website and allowing the website owner to identify one or more particular web pages of the website for which the page-specific subjective user reactions are notable relative to page-specific subjective user reactions for other particular pages of the website (column 2, lines 12-14 and column 4, lines 61-65).

In considering claims 2 and 33, Kurzrok discloses wherein the page-specific subjective user reactions to a particular web page as a whole are received from users using user reaction measurement software associated with a viewable icon (Fig. 2, "104" and "106").

In considering claims 3 and 34, Kurzrok discloses wherein the page-specific subjective user reactions are according to a multi-level subjective rating scale that includes at least one positive rating, a neutral rating, and at least one negative rating (column 3, lines 15-16).

In considering claims 9 and 40, Kurzrok discloses wherein at least one report associates the page-specific user reactions to a particular web page as a whole with demographic information for users that provided the page-specific subjective user reactions to the particular web page as a whole (column 4, lines 63-65; Note that background of various readers is the demographic information.).

In considering claims 11 and 42, Kurzrok discloses wherein the reporting module is operable to generate the reports in response to a request received from the website owner that specifies one or more report criteria (column 3, lines 65-67 and column 4, lines 61-65).

In considering claims 15 and 46, Kurzrok discloses wherein the reporting module is operable to generate at least one report reflecting page-specific subjective user reactions to all of the particular web pages of the website (column 1, lines 40-44).

In considering claims 16 and 47, Kurzrok discloses wherein the page-specific subjective user reaction information for at least one particular web page comprises:

a total number of subjective ratings of the particular web page as a whole received from the users that have accessed the particular web page, according to a multi-level rating scale (column 4, line 61; Note that the databases contain the total number of ratings according to a multi-level rating scale (column 4, lines 1-13).); and

an aggregate rating of the particular web page as a whole reflecting all the subjective ratings of the particular web page as a whole received from the users (column 4, lines 22-24).

In considering claim 18, Kurzrok discloses a computer system that is operable to support the reporting module and communicate the reports to the website owner (column 4, lines 61-65).

In considering claims 49 and 57, Kurzrok discloses wherein at least some of the page-specific subjective user reactions reflected in one or more reports each comprise one or more page-specific open-ended comments (column 3, lines 17-19).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 4, 5, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzrok.

In considering claims 4 and 35, Kurzrok discloses wherein each page-specific subjective reaction to a particular web page as a whole comprises a general page-specific subjective user reaction to the particular web page as a whole (column 2, lines 9-14). Even though the system and method disclosed by Kurzrok shows substantial features of the claimed invention, it fails to disclose a specific page-specific subjective user reaction to at least one characteristic of the particular web page as a whole. Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Kurzrok.

In considering claims 5 and 36, Kurzrok further fails to disclose wherein the characteristic is selected from the group consisting of content, design, and usability. Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Kurzrok.

Art Unit: 2153

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Kurzrok by employing the well known or conventional features of a specific user reaction to a characteristic of a web page, wherein the characteristic consists of content, design and usability in order to determine whether or not the information being provided to is satisfactory to the users.

15. Claims 6-8 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzrok.

As per claims 6, 8, 37 and 39, although the system disclosed by Kurzrok shows substantial features of the claimed invention, as discussed above, it fails to disclose:

wherein the page-specific subjective user reaction information for at least one particular web page comprises a plurality of subjective ratings of the particular web page as a whole, each subjective rating being for a corresponding characteristic of the particular web page as a whole; and

wherein each characteristic is selected from the group consisting of content, design and usability.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Kurzrok.

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Kurzrok by employing the well known or conventional features of a plurality of subjective user ratings, each rating corresponding to a characteristic of a web page, wherein the characteristic consists of content, design and usability in order to determine whether or not the information being provided to is satisfactory to the users.

Art Unit: 2153

As per claims 7 and 38, Kurzrok discloses wherein the subjective ratings are according to a plurality of multi-level rating scales that each include at least one positive rating, a neutral rating, and at least one negative rating (column 3, lines 15-16).

16. Claims 10 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzrok.

In considering claims 10 and 41, Kurzrok fails to disclose wherein at least one page-specific subjective user reaction comprises a response to an explicit question presented to a user concerning a particular web page of the website. Nonetheless, this feature is well known in the art and would have been an obvious modification to the system and method disclosed by Kurzrok.

A person having ordinary skill in the art would have readily recognized the desirability of modifying Kurzrok by employing the well known feature of a reaction comprising a response to an explicit question in order to obtain responses on separate aspects of the website instead of the website as a whole to gain a wider variety of feedback.

17. Claims 12 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzrok in view of U.S. Patent No. 5,974,572 to Weinberg et al.

Although the system and method disclosed by Kurzrok shows substantial features of the claimed invention, as discussed above, it fails to disclose wherein the reporting module is operable to generate a map of the website and to generate reports according to the map. Nonetheless, these features are well known in the art and would have been an obvious modification of the system and method disclosed by Kurzrok, as evidenced by Weinberg et al.

In an analogous art, Weinberg et al. discloses a visual website analysis program facilitating the analysis and management of web sites having a reporting module that is operable to generate a map of the website (column 7, lines 48-49) and to generate reports according to the map (column 7, lines 63-65). Given the teaching of Weinberg et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Kurzrok by employing the well known features of generating a map of a website and generating reports according to the map, such as disclosed by Weinberg et al., in order to efficiently present the information to a user in an organized manner.

18. Claims 13, 14, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzrok.

In considering claims 13 and 44, Kurzrok fails to disclose wherein a first report for a first particular web page comprises a link to a second report for a second particular web page, the first and second web pages being linked within the website. Nonetheless these features are well known in the art and would have been an obvious modification of the system disclosed by Kurzrok.

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Kurzrok by employing the well known or conventional features of linking reports of a web page in order to make the report more user friendly by minimizing the time it takes to access each report.

In considering claims 14 and 45, Kurzrok fails to disclose wherein the reporting module is operable to generate the second report in response to a request received from the website owner using the first report, the website owner receiving the first and second reports in a similar

Art Unit: 2153

manner that a user might access the corresponding first and second particular web pages according to the topography of the website. Nonetheless these features are well known in the art and would have been an obvious modification of the system disclosed by Kurzrok.

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Kurzrok by employing the well known or conventional features of generating a second report in response to a request received from the website owner using the first report, the website owner receiving the first and second reports in a similar manner that a user might access the corresponding first and second particular web pages according to the topography of the website, in order to make the report more user friendly by minimizing the time it takes to access each report.

19. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzrok.

Although the system disclosed by Kurzrok shows substantial features of the claimed invention it fails to explicitly teach wherein the reporting module is operable to communicate a message to a person associated with the website owner in response to the number of page-specific subjective user reactions of a specified type exceeding a specified threshold for a particular web page. Nonetheless, Kurzrok teaches a rating summary received at regular intervals, suggesting that these regular intervals could occur upon exceeding a specified threshold, therefore it would have been obvious to one having ordinary skill in the art that the reporting module is able to communicate a message to a website owner once the user reactions have exceeded a specified threshold.

20. Claims 48 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzrok in view of U.S. Patent No. 6,449,632 to David et al.

Kurzrok fails to disclose wherein each report reflects only page-specific subjective user reactions from users having a specified user profile. Nonetheless, these features are well known in the art and would have been an obvious modification of the system and method disclosed by Kurzrok, as evidenced by David et al.

In an analogous art, David et al. discloses a system and method for collecting user feedback in a data broadcasting system wherein each report reflects only specific subjective user reactions from users having a specified user profile (column 4, lines 5-10). Given the teaching of David et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Kurzrok by employing the well known features of a user profile, such as disclosed by David et al., in order to keep a record of future reactions given by the same user.

21. Claims 50-53 and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzrok.

As per claims 50 and 58, Kurzrok fails to disclose wherein:

the database stores contact information for a person associated with a set of one or more particular web pages of the website and contact criteria for contacting the person according to subjective user reactions to one or more particular web pages in the set received from one or more users; and

the reporting module is operable to automatically communicate a message to the person using the contact information according to the contact criteria being satisfied based on subjective user reactions received from one or more users.

Art Unit: 2153

As per claims 51 and 59, Kurzrok further fails to disclose wherein the contact information comprises an email address for the person and the message comprises an email message. Nonetheless, these features are well known in the art and would have been an obvious modification to the system and method disclosed by Kurzrok.

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Kurzrok by employing the above mentioned features in order to easily and efficiently notify the person of user reactions.

As per claims 52 and 60, Kurzrok fails to disclose wherein the contact criteria comprise a number of negative ratings received in a specified time period exceeding a pre-determined threshold. Nonetheless, this feature is well known and a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Kurzrok by employing this feature so that the user can respond quickly to the negative ratings by modifying the website.

As per claims 53 and 61, Kurzrok discloses wherein the reporting module is operable to communicate page-specific open-ended comments to the person as they are received from users or periodically as a group (column 3, lines 17-19)

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,236,975 to Boe et al.

Art Unit: 2153

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mareisha N. Winters whose telephone number is (703) 305-7838. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for official communications, (703) 746-7240 for non-official communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

mw
mw

Mareisha N. Winters
Patent Examiner
Art Unit 2153
March 4, 2003


KRISNA LIM
PRIMARY EXAMINER